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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert J. DiStasio, et al.

Serial No. 10/015,408

Examiner James Smith

Filed: December 12, 2001

Group 3723

For: Removal Tool for Locking Nut, Bolt and Clip Systems and Assemblies

PETITION TO REVIVE ABANDONED PATENT APPLICATION RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAR 23 2004
OFFICE OF PETITIONS

Sir:

Applicant/Petitioner, hereby files a petition to revive the abandoned captioned patent application pursuant to 37 C.F.R. § 1.137(b). Petitioner unintentionally failed to properly respond to various Office Actions relative to an election of species due February 28, 2003. Applicant filed a petition to withdraw a holding of abandonment on February 12, 2004 and on March 9, 2004, the Patent and Trademark Office denied this petition (see attached). Applicant files herewith a Response which applicant believes fully and correctly responds to the patent examiner's concerns. Applicant is now seeking to revive the abandoned captioned patent application.

The required reply, and the petition fee pursuant to 37 C.F.R. § 1.17(m)(\$665.00) and a Statement by Petitioner's representative that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional. Petitioner also files a Terminal Disclaimer pursuant to 37 C.F.R. § 1.137(c) and the associated fee pursuant to 37 C.F.R. § 1.20(d)(\$55.00).

If the fees are inadequate, please debit or credit Deposit Account No.03- [REDACTED] for any overpayments/underpayments.

03/23/2004 AMONDAF1 00000046 031231 10015408

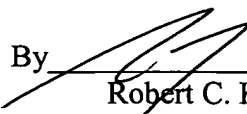
01 FC:2453 665.00 DA

Adjustment date: 06/14/2004
03/23/2004 AMONDAF1 00000046 031231
02 FC:2814 55.00 CR

WHEREFORE, Applicant/Petitioner requests that the Assistant Commissioner of Patents grant this request to revive the abandoned patent application, accept the issue fee and issue the design patent accordingly.

Respectfully submitted,

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

By  3-18-04
Robert C. Kain, Jr.
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(954) 768-9002



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STATEMENT IN SUPPORT OF PETITION TO REVIVE ABANDONED PATENT
APPLICATION

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAR 23 2004

OFFICE OF PETITIONS

Sir:

Applicant/Petitioner, has filed a petition to revive the abandoned captioned patent application pursuant to 37 C.F.R. § 1.137(b). This is the Petitioner's statement:

1. Applicant's attorney of record unintentionally failed to properly respond to various Office Actions relative to an election of species due February 28, 2003.
2. Applicant's attorneys filed a petition to withdraw a holding of abandonment on February 12, 2004.
3. On March 9, 2004, the Patent and Trademark Office denied this petition stating that the earlier response of February 7, 2003 was not appropriate.
4. Applicant's attorney believed that the responses were adequate and timely but will accept the Patent and Trademark Office's determination to the contrary. Applicant's attorney hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to Rule 137(b) was unintentional.
5. Applicant files herewith a Response which applicant believes fully and correctly responds to the patent examiner's concerns.

6. Applicant is now seeking to revive the abandoned captioned patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.

By



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